

San Bernardino Associated Governments	Policy	34102
Adopted by the Board of Directors November 25, 1991	Revised	New 11/25/91
Specific Determinations	Revision No.	0

The following chapter is to provide guidance on specific questions which may arise during the course of annual Measure I expenditure activities.

1. **Subject:** May Measure I local funds be used for a freeway telephone emergency system?

Determination: SANBAG serves as the countywide Service Authority for Freeway Emergencies which administers the emergency call box system along state highways. This service provides a common emergency call box system throughout southern California counties serving travelers on major highways. Measure I funds may not be used for a freeway telephone emergency system.

2. **Subject:** May a jurisdiction purchase land for "greenbelt" purposes with Measure I funds?

Determination: Measure I funds may be used for a park provided that it mitigates the environmental impact of a street construction project.

3. **Subject:** May a jurisdiction expend Measure I earned interest for non-highway purposes?

Determination: Interest follows the principal and may not be spent for a non-highway purpose. Earned interest must be spent on Measure I eligible projects.

4. **Subject:** May a jurisdiction expend funds in one fiscal year to be reimbursed from Measure I funds in the succeeding fiscal year?

Determination: The expenditure of allocations under Measure I must be made pursuant to the adopted Five-Year Capital Improvement Plan. Jurisdictions may use Measure I funds to reimburse other local fund expenditures for projects in the approved Plan.

5. **Subject:** May a jurisdiction temporarily transfer or lend Measure I revenues to other funds in its treasury, the borrowed amounts being repaid in the same fiscal year?

Determination: Measure I funds are to be used only for transportation related purposes as described in these guidelines. Temporary loans of Measure I funds can only be made among other Measure I accounts/projects if projects and other pertinent data is identified to establish a clear audit trail.

6. **Subject:** May a jurisdiction expend Measure I funds for road improvements within an adjoining jurisdiction?

Determination: Agreements for the expenditure of Measure I funds in adjoining jurisdictions are allowable only as long as the improvements are to be made within the County of San Bernardino.

7. **Subject:** May a jurisdiction spend Measure I funds for rubberized railroad grade crossing material or for repair of grade crossings?

Determination: Yes, the purchase or repair would constitute a street purpose.

8. **Subject:** May a jurisdiction expend Measure I funds for maintenance and/or improvements upon a state highway?

Determination: Measure I funds may be expended for maintenance and/or improvements upon a state highway provided the appropriate agreement with Caltrans is in place.

9. **Subject:** May a jurisdiction purchase equipment with Measure I funds?

Determination: Street related equipment is eligible for Measure I funding, provided the following criteria are met:

- a. The jurisdiction must keep accurate records on acquisition cost, use, maintenance, and disposition;
- b. If the equipment is utilized for a non-street purpose, the jurisdiction must reimburse the Measure I fund using either Caltrans equipment rates or internally developed rental rates with adequate supporting documentation;
- c. A representation letter substantiating street use, non-street use is required; and
- d. Proceeds from disposition of equipment must be redeposited into the Measure I account.

10. **Subject:** May Measure I funds be used for expenses incurred in attending or participating in Institute of Transportation and Traffic Engineering sponsored programs conducted for street or road purposes?

Determination: These programs are eligible for funding from Measure I funds.

11. **Subject:** What is the acceptable methodology for charging the Measure I accounts for their proportionate share of governmental overhead?

Determination: Overhead is an allowable charge which must be substantiated by:

- a. A cost allocation plan; or
- b. An equitable and auditable distribution of these costs to all departments.

12. **Subject:** What is the proper treatment of right-of-way acquisition and disposal?

Determination:

- a. Any jurisdiction having purchased salable excess right-of-way with Measure I funds should report any unsold portions to the Authority including the reasons for holding it and the anticipated date of disposal.
- b. If a jurisdiction rededicates park or other city/county owned property for a street right-of-way, no charge may be made to the Measure I account for the value of this property.

c. Any jurisdiction may expend Measure I funds for relocation expenses necessitated by right-of-way acquisitions in accordance with the applicable government codes on relocation assistance.

13. **Subject:** May a jurisdiction charge percentage engineering in lieu of actual and under what parameters?

Determination: Both preliminary and construction engineering may be claimed on the percentage basis approved in previous years by Caltrans as follows:

a. Contract Work:

Preliminary Engineering	Construction Cost (\$) Thousands	Construction Engineering
22%	0 - 50	22%
17%	50 - 75	20%
15%	75 - 100	18%
13%	100 - 150	16%
10%	150 - 250	15%
8%	250 - 500	14%
8%	500 - 1,000	14%
8%	1,000 - 2,000	14%

These percentages will be computed on the eligible portion of the contract price.

b. Day Labor:

5% Preliminary engineering

6% Construction engineering and inspection.

These percentages will be computed on eligible portions of material, equipment rental and labor (including fringe benefits).

c. Right-of-Way Engineering: 2%

This percentage is on the **total** eligible right-of-way costs.

If percentage engineering is used, the jurisdiction must carefully watch the following points:

1) No jurisdiction may claim percentage engineering in excess of its total street purpose engineering shown on the records.

2) Percentage charges may be made to the Measure I account during the same fiscal year in which the actual engineering work was done. In some cases, this may require an estimate to be made in one year with an adjustment to actual in a subsequent year.

14. **Subject:** May a jurisdiction charge the Measure I account for construction of facilities which are necessary to drain streets and roads?

Determination: For this purpose, those portions of the drainage system listed below may be financed entirely with such funds:

- a. Cross culverts regardless of angle of crossing.
- b. Storm drains, culverts, or drainage channels which are required to be constructed or reconstructed by improvement of the roadway.
- c. Longitudinal storm drains or other longitudinal culverts, including manholes.
- d. Cross longitudinal gutters at intersections.
- e. Catch basins and related pipes. The term "catch basin" shall include outlet structures or curb openings. An eligible "catch basin" must be located within the road or street system rights-of-way, or as close to the curb return joining the road or street system as practicable, considering the location of obstructions and/or hydraulic considerations.

15. **Subject:** Are Measure I funds available to be utilized for payment of the cost of any project to the extent that such cost is not reimbursable from matching federal funds?

Determination: Measure I funds are eligible to fund matching contributions to:

- a. Railroad grade separation projects.
- b. County and federal matching programs.

16. **Subject:** May a jurisdiction use Measure I funds to purchase radar equipment for enforcement of speed limits on local streets?

Determination: Measure I funds cannot be used to purchase electronic speed control devices or other non-highway related equipment.

17. **Subject:** Are expenditures related to commuter rail, park and ride, undergrounding of utilities, and engineering review of Measure I Major Projects eligible expenditures?

Determination: The SANBAG Board of Directors have taken specific action on the following findings:

- a. Expenditure of Local Pass-Through Funds for development of facilities associated with Metrolink commuter rail operations which are determined to be a local responsibility are consistent with the intent of the Measure and are allowable expenditures.
- b. Expenditure of Local Pass-Through Funds on park and ride facilities is considered a transportation purpose and consistent with the intent of the Measure.
- c. Expenditure of Local Pass-Through Funds for undergrounding of utilities is not an eligible expenditure unless it is part of a new roadway construction or is documented as a legal street obligation.
- d. Expenditure of Measure I Local Pass-Through Funds for engineering review of plans for construction of Valley Measure I Major Projects is an eligible expenditure.

18. **Subject:** Measure I requires that expenditures be on specific projects approved in the adopted Five Year Capital Improvement Plan. May jurisdictions spend Measure I funds for transportation purposes identified as general categories (such as pavement rehabilitation, sidewalks, signal controllers) rather than specific roadway projects.

Determination: Five Year Capital Improvement Plan and expenditures may include general program categories for pavement management programs, system improvements, and general maintenance. The maximum total expenditures of all general program categories in any year shall not exceed 50 percent of SANBAG's total annual forecast revenue for the jurisdiction or County subarea.

REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted.	11/25/91
